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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

AFTERGUT, JEFF H

ART UNIT PAPER NUMBER

1733

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/725,584

Applicant(s)

OTSUBO, TOSHIFUMI

Examiner

Jeff H. Aftergut

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-16 is/are allowed.
- 6) ☒ Claim(s) 1,5 and 10 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 6-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4-26-06</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent 06-54878 (newly cited by applicant in the IDS submitted 4-27-06).

Japanese Patent '878 suggested that it was known to form a disposable diaper from a composite web and a liquid absorbent laminated panel attached to an inner side of a composite web. More specifically, Japanese Patent '878 taught that it was known to feed a continuous first web 12 having a transverse dimension and a second web 11 having a larger transverse dimension than that of the first continuous web in a machine direction under tension in the machine direction while feeding continuous waist elastic members 13a, 14a stretched at a predetermined ration in the machine direction so as to be laid along transversely opposite side edges of the first web 12. Japanese Patent '878 suggested that one placed the first and second webs 12 and 11 upon each other so that transversely opposite side edges of the second web 11 extend outwardly of the transversely opposite side edges of the first web 12 and then attaching the elastic members 13a and 14a to the inner surface of at least one of the first 12 or second 11 webs and joining the first 12 and second 11 webs together to form a composite web. Placing a plurality of panels 3 which each extend in the cross machine direction on the first web 12 at regular intervals in the machine direction and joining to the first web 12.

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Japanese Patent '878 additionally suggested that one would have folded over the second web 11 in the region which extended outward transversely of the first web 12 inwardly in a cross machine direction along the side edges of the first web 12 and joining the folded over zones of the second web 11 to the first web 12 and to end zones of the panel 3 in the cross direction. The reference additionally taught the cutting transversely middle zones of the composite web at 4 which extends between each pair of panels 3 which is adjacent to each other along each of the cut lines generally describing a circle and folding the cut composite web inward together with the panels 3 in the cross direction along the machine direction with the panels lying inside. The reference additionally taught that one joined the halves of the composite web folded inward together in the vicinity of a second cut line as at 15 and cutting the composite web along with the elastic members along second cutting lines to form a plurality of diapers 1 arranged in the machine direction. The applicant is more specifically referred to Figure 1.

With respect to claim 10, the reference suggested that the webs 11 and 12 were formed from hydrophobic materials.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 5, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 06-54878 in view of Japanese Patent 09-299398 and optionally

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further taken with Japanese Patent 06-299638 (all newly cited by applicant in the IDS submitted 4-27-06).

Japanese Patent '878 is discussed above in full detail in paragraph 2 and applicant is referred to the same for a complete discussion of the reference. The reference to Japanese Patent '878 failed to make mention of the specific use of a panel 3 having both a topsheet, a core and a backsheet in the manufacture of the disposable absorbent core assembly for the disposable diaper.

The reference to Japanese Patent '398 suggested that those skilled in the art at the time the invention was made would have incorporated both a topsheet and a backsheet for a panel which included a core disposed there between in the manufacture of a disposable undergarment. The reference to Japanese Patent '398 suggested that the panels 21 which were disposed upon a composite web including web 14c in the manufacture of the disposable diaper would have included a topsheet 25, 26, an absorbent core 23 and a backsheet 24. It should be noted that the panels were fed upon the composite web in a like manner to that of Japanese Patent '878 as depicted in Figure 9. Additionally, one folded over the composite web in order to cover the waist elastic 16c as well as cover the edges of the panels disposed upon the composite web. The reference also suggested the removal of the leg hole regions as well as the folding of the composite web carrying the panels thereon as well as the cutting of the individual articles from the chassis of articles and sealing the sides of the same. As one skilled in the art would have understood that the topsheet would have wicked the urine away from the wearer as well as the backsheet from preventing the absorbed material from being

exposed past the core, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the absorbent core assemblies of Japanese Patent 09-299398 in the process of making the disposable absorbent articles as taught by Japanese Patent 06-54878.

While the combination suggested that the various components were secured together with an adhesive binder, the references failed to expressly show the manner in which this was performed. However, those skilled in the art of making a disposable absorbent article like a diaper would have readily appreciated how to apply hot melt adhesive materials in order to join the various components together to make the diaper. More specifically, the applicant is referred to the reference to Japanese Patent 06-299638. Japanese Patent '638 suggested that those skilled in the art would have employed various adhesive dispensing means as depicted in Figures 7-9 to facilitate the bonding and assembly of a composite web to a panel (as well as the assembly of the components of the composite web itself and the panel itself). It certainly would have been within the purview of the ordinary artisan to apply the adhesive in the manner described by Japanese Patent 06-296638 in order to assemble the various components of a composite panel and a composite web assembly together in the making of a disposable diaper wherein one employed a panel assembly which included a core and a topsheet as well as a backsheet assembly as suggested by Japanese Patent 09-299398 in the process of making the disposable absorbent articles as taught by Japanese Patent 06-54878.

Allowable Subject Matter

5. Claims 2-4 and 6-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the prior art of record taught or suggested the specific adhesive pattern employed to attach the folding zones together therein the second web was folded over along the edges inwardly in a cross direction along the edges of the first web as claimed.

6. Claims 11-16 are allowed.

None of the prior art of record taught or suggested that the folded lateral zones would have been bonded to at least one of the outer surface of the first web or the end zones of the panels, except in regions where the folded lateral zones both overlie the elastic members and extend along the adjacent end zones of the panels as defined in claim 11.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 5, and 10 have been considered but are moot in view of the new ground(s) of rejection.

The prior art discussed above clearly defined the specified folding over of the web over the edges of the core panels disposed on the composite web and the overall assembly of the components to manufacture a disposable absorbent diaper in the manner defined by the claims.

Conclusion


8. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 4-26-06 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeff H. Aftergut
Primary Examiner
Art Unit 1733

JHA
May 26, 2006